

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:21-CR-00031-KDB-DCK**

**UNITED STATES OF AMERICA,**

**Plaintiffs,**

**v.**

**MICHAEL R. GUZMAN,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the United States of America's Motion, (Doc. No. 36), pursuant to Federal Rule of Criminal Procedure 32.2(c)(2), requesting that the Court enter a Final Order and Judgment confirming forfeiture of funds in multiple accounts, vehicles, a trailer, and two real properties (Doc. 18). All properties have been identified in the Consent Order and Judgment of Forfeiture. *Id.* For good cause shown and based on the law identified herein, the Court will grant the motion. In support of granting the motion, this Court finds as follows:

**I. BACKGROUND**

On May 21, 2021 this Court entered a Consent Order and Judgment of Forfeiture for the funds, vehicles, trailer, and real properties. The Defendant held an interest in all these properties. The Consent Order was issued following Defendant's plea of guilty (Docs. No. 3, 4, and 11) to wire fraud and illegal monetary transaction charges related to Defendant's scheme to defraud his employer and use the proceeds of the fraud to purchase assets.

From June 11, 2021 through July 10, 2021, the United States published, via [www.forfeiture.gov](http://www.forfeiture.gov), notice of this forfeiture and of the intent of the Government to dispose of the forfeited property according to law, and further notice to all third parties of their right to petition

the Court within sixty days from June 11, 2021, for a hearing to adjudicate the validity of any alleged interest in the property. (Doc. 26). Following the Government's review of account and title documents to identify potential petitioners to the funds, vehicles, trailer, and real properties, the United States sent direct notice to Jessica Guzman. The Government sent the notice to Jessica Guzman via United States Postal Service Certified Mail on July 21, 2021, at her last known address (Doc. 30). To-date, no third parties have filed petitions for the properties and the time-period for doing so has expired.

## **II. DISCUSSION**

Pursuant to Rule 32.2(c)(2), “[w]hen the ancillary proceeding ends, the court must enter a final order of forfeiture by amending the preliminary order as necessary to account for any third-party rights.” *See Dillon v. United States*, No. 3:13-CR-295-K(5). 2018 WL 3820228, at \*2 (N.D. Tex. Aug. 9, 2018) (“The Court later entered a final order of forfeiture—under Rule 32.2(c)—because a third party had asserted some interest in the property that Dillon had forfeited.”); *United States v. Moser*, 586 F.3d 1089, 1095 (8th Cir. 2009) (noting that “the Government does not possess clear title to the seized property until after the conclusion of § 853(n) proceedings”).

The ancillary proceeding in this case has ended, and no individuals or entities have filed petitions and the time for doing so has expired. Since the Government has properly provided notice by publication and direct notice, this Court will, in accordance with Rule 32.2(c)(2), confirm the Consent Order and Judgment of Forfeiture to give the Government clear title to the forfeited assets.

## **III. ORDER**

It is therefore **ORDERED**:

In accordance with Rule 32.2(c)(2), the Consent Order and Judgment of Forfeiture is confirmed as final as to the following property:

**All assets in PeerStreet Inc Account \*49911, such account held in the name of Michael Guzman<sup>1</sup>;**

**Approximately \$81,840.34 in funds seized from JP Morgan Securities Account \*8167, such account held in the name of Michael R. Guzman;**

**Approximately \$177,855.54 in funds seized from E\*Trade Brokerage Account \*0244, such account held in the name of Jessica Guzman and Michael Guzman;**

**Approximately \$97,948.54 in funds from a Yieldstreet Account in the name of Michael Guzman;**

**One 2014 Sailfish 275 DC, Hull Number YSIC0021C414 and 2019 Magic Tilt TXP2886B2 Trailer;**

**One 2020 Heartland Bighorn Traveler RV, VIN 5SFBG4221LE431848;**

**One 2013 Chevrolet Silverado, VIN 1GC1KXCG0DF120626;**

**One 2020 Cadillac XT4, VIN 1GYFZER48LF039336;**

**One 2019 Chevrolet Silverado, VIN 1GC4KVCY6KF255133;**

**One 2020 Chevrolet Equinox, VIN 3GNAXKEV0LS634686;**

**The real property at 4522 North Plantation Harbour Drive, #E-4, Little River, South Carolina, more particularly described in a Deed to Michael Guzman and Jessica Guzman, recorded in the Horry County, South Carolina Register of Deeds Book 4238, Pages 212-214;**

**and the real property at 19558 S. Shore Road, Lyme, New York, more particularly described in a Deed to Michael Guzman and Jessica Guzman, Husband and wife, as identified in State of New York, Office of the Jefferson County Clerk, Instrument Number 2019-00016889**

All right, title, and interest in the property, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law pursuant to Federal Rule of Criminal

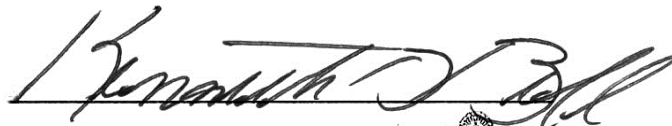
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<sup>1</sup> Due to the nature of this PeerStreet account, the account has not yet been fully liquidated and/or made available for withdrawal, and transactions are still pending in the account. Therefore, an exact amount forfeited is not yet available as to PeerStreet.

Procedure 32.2 and 21 U.S.C. § 853, and the United States shall have clear title to the property and may warrant good title as set forth in 21 U.S.C. § 853(n)(7).

**SO ORDERED.**

Signed: September 22, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge

